

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DESHAUN CARTER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 2:07cv988-WKW
)	(WO)
DAEHAN SOLUTION ALABAMA,)	
LLC,)	
)	
Defendant.)	

ORDER

On July 30, 2008, the Magistrate Judge filed a Recommendation in this case. (Doc. # 40.) Defendant Daehan Solution Alabama, LLC, filed an Objection on July 31, 2008, and a Correction on August 12, 2008.¹ (Docs. # 41 & 42.) Defendant accepts all substantive conclusions of the Recommendation, but objects to the Magistrate Judge's observation that the Motion to Dismiss (Doc. # 38) was "ethically . . . inappropriate." (Doc. # 41 at 1-3; Doc. # 40 at 2.) Counsel equates "ethically . . . inappropriate" with being accused of unethical conduct. (Doc. # 41 at 2-3.) The Objection claims the Magistrate Judge appeared to conclude "that Defendant's counsel was attempting to represent Plaintiff Ford in filing the motion." (*Id.* at 1.) In fact, the Magistrate Judge did not make that conclusion, noting instead, "Daehan's counsel do not in any way represent" the subject plaintiff. (Doc. # 40

¹ In its Answer, Defendant says that its name is "improperly designated in the Complaint as Daehan Solutions." (Doc. # 7 at 1.) The court *sua sponte* AMENDS the caption to reflect Defendant's correct name. The parties are DIRECTED to use the new caption as it appears on this Order for all future submissions to the court, and the Clerk is DIRECTED to change the caption accordingly.

at 2.) Upon an independent review and a *de novo* determination of that portion of the Recommendation to which objection is made, it is ORDERED as follows:

1. The Recommendation (Doc. # 40) is ADOPTED as to the Magistrate Judge's ultimate conclusion that the Motion to Dismiss (Doc. # 38) should be denied, but, in consideration of defense counsel's further explanation set out in the objection,² no unethical conduct is found as to counsel.

2. Defendant's Motion to Dismiss (Doc. # 38) is DENIED.

DONE this 8th day of September, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

² The Magistrate Judge made his finding on the bare record before him and did not have the benefit of this additional explanation from defense counsel.